

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 4315 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

1 to 5 : No

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RAJESHKUMAR MOHANLAL JOSHI

Versus

STATE OF GUJARAT

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Appearance:

MR HM PARIKH for Petitioner

Ms.A.H. Yagnik, PUBLIC PROSECUTOR for Respondent No. 1

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CORAM : MR.JUSTICE A.R.DAVE

Date of decision: 03/09/97

ORAL JUDGEMENT :

Rule. Service of rule is waived by learned APP,  
Ms. Yagnik for the respondent.

2. Heard learned advocate Shri H.M. Parikh. The offence has been registered against the petitioner being C.R. No.I-118 of 1997 before Vasai Police Station. The petitioner is alleged to have murdered his brother's wife. Offences under secs.498A, 302 and 114 of Indian Penal Code have been registered against the petitioner. An application was filed by the petitioner before the Sessions Court for bail, which came to be rejected on 1.8.1997. In the circumstances, the petitioner has

approached this Court with a prayer for bail.

3. Learned advocate Shri Parikh for the petitioner has submitted that there is no prima facie case against the petitioner and there is no eye witness to support the case against the petitioner. He has also submitted that there is no eye witness to support the allegation levelled against the petitioner-accused that he had given threats to the deceased. He has, therefore, submitted that the petitioner should be enlarged on bail.

4. On the other hand, learned APP has submitted that in fact an effort was made by the petitioner-accused to kill the deceased in the past and the said fact was duly reported to the DSP. She has also drawn my attention to certain relevant material from the Police papers.

5. I have perused the Police papers and after hearing the concerned advocates and looking to the peculiar facts of the case, it is ordered that the trial should be concluded on or before 31st January 1998. Reasons for rejection of this application are not assigned as detailed examination of the evidence and elaborate documentation of the merits of the case should be avoided while passing orders on bail applications, as observed by the Honourable Supreme Court in the case of Niranjana Singh and another v. Prabhakar Rajaram Kharote and others (A.I.R. 1980 SC 785).

6. Subject to the above direction, this application is rejected. Rule is made absolute to the above extent. Direct service is permitted.

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